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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,718	04/06/2000	Eduardo Cue	P2513/561	9145
21839 7590 05/03/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER ZURITA, JAMES H	
			ART UNIT 3625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/544,718

Applicant(s)

CUE ET AL.

Examiner

James H. Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 86,88-94,96-102 and 104-109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 86, 88-94, 96-102, 104-109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

On 14 February 2007, applicant amended claims 86, 91, 94, 99, 102 and 107.

Claims 86, 88-94, 96-102, 104-109 are pending and will be examined.

Response to Arguments

Applicant's arguments filed 14 February 2007 have been fully considered but they are not persuasive.

Applicant argues that the combination of Henson, Maglitta and Dell Computer does not disclose his new limitation "...wherein said first interface enables the authorized user to indicate whether the products in a defined virtual bundle can be configured by a purchaser..." Maglitta, page 5, section entitled "Step1: Order Taking", discloses that employees requestors members of a defined group may can configure the desired system or pick a pre-selected model or simply accept a pre-selected model.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 86, 88-94, 96-102, 104-109 are rejected under 35 USC 103(a) as being unpatentable over *Henson* (US 6,167,383, filed 09/22/1998, issued 12/26/2000) in view of *Joseph E Maglitta*, Special Dell-ivery, Electronic Business. Highlands Ranch: Dec 1997.Vol.23, Iss. 12; pg. 43, 8 pgs, retrieved from ProQuest Direct on the Internet on

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10 November 2006, and further in view of **Dell Computer** Corporation: Dell launch [sic] latest version of their premier page service via Internet, M2_PRESSWIRE 12/19/98.

The references disclose **Premier Pages** services provided by DELL COMPUTERS TM

As per claim 86, Henson discloses systems and methods for presenting customized bundled products to members of a group for purchase on a vendor's e-commerce site, comprising:

a server application that is responsive to a request from an authorized user associated with said group to present a first interface that enables said [authorized] user [associated with said group] to define a plurality of virtual bundles, where each virtual bundle comprises a set of one or more products supplied by the vendor and selected by said [authorized] user [associated with said group]. In **Henson**, see at least references to **Premier Pages**, Col. 14, lines 35-61; **Dell Computer** elaborates on functions of **Premier Pages**, and teaches: Custom store web page: Premier web pages as a particular type of customer set. See also applicant's admissions concerning Premier Pages, that Dell Computer discloses (a) an authorized user [possibly at Dell, and authorized in that the user has authority to create customized secure pages] (b) associated with the group [the authorized user is associated with the group in that the customizes and configures pre-bundled systems] (c) configures pre-bundled systems requestor members.

- **a database** that stores information pertaining to the products in each virtual bundle defined by said [authorized] user [associated with said group] (Fig. 1, item 24); and
- **a server application** that is responsive to a request at said vendor's e-commerce site, which request identifies the requestor as a member of said group, to present a

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second interface (e.g., Figs. 3-5) that retrieves said information from said database, displays the virtual bundles of products defined by said authorized user [associated with said group] and allows said requestor to select one or more of said predefined virtual bundles for purchase. Henson teaches a smart configurator that presents a base product selected by the customer using a Premier Page (e.g. Dell Dimension XPS R mini tower computer) and presents required compatible components (e.g. memory, monitor), bundled software, and optional accessories (Paper #4, Henson: see Fig. 4 (70)) (please note examiners interpretation: smart configurator instantiated data by dynamically generating a bundle of products and accessories for a customer to select).

As per claim 86, Henson ***does not*** specifically state that requestor members of the group are allowed to select predefined virtual bundles for purchase without further configuration or option selecting wherein said first interface enables the authorized user to indicate whether the products in a defined virtual bundle can be configured by a purchaser. This feature is disclosed by Maglitta, page 5, section entitled "Step1: Order Taking", which discloses that employees requestors members of a defined group may can configure the desired system or pick a pre-selected model or simply accept a pre-selected model.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Henson with Maglitta to disclose that requestor members of the group are allowed to select predefined virtual bundles for purchase wherein said first interface enables the authorized user to indicate whether the products in a defined virtual bundle can be configured by a purchaser.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Henson with Maglitta to disclose that requestor members of the group are allowed to select predefined virtual bundles for purchase wherein said first interface enables the authorized user to indicate whether the products in a defined virtual bundle can be configured by a purchaser for the obvious reason of making it clear to the purchaser that the system can be configured or simply purchased without further modification.

As per claim 88, Henson discloses a server application that determines whether any of the selected products of a virtual bundle are obsolete or upgradeable, and provides a notification to said authorized user [associated with said group] if such a product is detected (see, for example, at least Col. 9, line 56-Col. 10, line 18).

As per claim 89, Henson **does not** specifically disclose a first interface that enables the authorized user [associated with said group] to indicate the order in which the defined virtual bundles of products are displayed in said second interface. This is admitted prior art, officially noted on page 6 of the Office Action of 28 February 2003 and not traversed: that since control and manage the content of their own Premier Pages and since the primary customer interface is a web browser, there is at least one web page devoted to administrative functions for at least the purpose of identifying which products are eligible per the volume purchase agreement.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Henson with knowledge of one of ordinary skill in the art at the time the invention was made to disclose a first interface that enables the

authorized user [associated with said group] to indicate the order in which the defined virtual bundles of products are displayed in said second interface.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Henson with knowledge of one of ordinary skill in the art at the time the invention was made to disclose a first interface that enables the authorized user [associated with said group] to indicate the order in which the defined virtual bundles of products are displayed in said second interface for the obvious reason that such arrangements allow authorized users [associated with said group] to indicate preferred configurations of various bundles.

As per claim 90, Henson discloses that stored information includes an identification of a main product in a virtual bundle whose image is displayed on said second interface (see, for example, references to base computer system “chassis”, as in Col. 15, lines 31-45, for the image, see Fig. 3A).

As per claim 91, Henson discloses that a requestor is identified as being a member of said group by means of information indicating that the request is coming from a secure resource associated with the group (see Col. 14, lines 18-34).

As per claim 92, Henson discloses that the database stores base prices for the products supplied by the vendor and a pricing tier for the group, and wherein the information stored for each virtual bundle includes a group price computed from said base price and pricing tier (see, for example, references to customer set or group discounting such as for government discounting, retail discounting, different discounted pricing lists, as in Col. 10, lines 30-48, i.e., pricing tiers).

As per claim 93, Henson discloses a server application that recalculates said group price and updates said stored information for the virtual bundles (see, for example, Fig. 3B, item 72, "update price").

Claim 94, drawn to a method, is rejected on the same grounds as claim 86.

Claim 96, drawn to a method, is rejected on the same grounds as claim 88.

Claim 97, drawn to a method, is rejected on the same grounds as claim 89.

Claim 98, drawn to a method, is rejected on the same grounds as claim 90.

Claim 99, drawn to a method, is rejected on the same grounds as claim 91.

Claim 100, drawn to a method, is rejected on the same grounds as claim 92.

Claim 101, drawn to a method, is rejected on the same grounds as claim 93.

Claim 102, drawn to a medium, is rejected on the same grounds as claim 86.

Claim 104, drawn to a medium, is rejected on the same grounds as claim 88.

Claim 105, drawn to a medium, is rejected on the same grounds as claim 89.

Claim 106, drawn to a medium, is rejected on the same grounds as claim 90.

Claim 107, drawn to a medium, is rejected on the same grounds as claim 91.

Claim 108, drawn to a medium, is rejected on the same grounds as claim 92.

Claim 109, drawn to a medium, is rejected on the same grounds as claim 93.

Allowable Subject Matter

Claims 88, 96 and 104 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
28 April 2007

James Zurita
Primary Examiner